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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 21 सितम्बर, 1974/30 भाद्रपद, 1896

GOVERNMENT OF HIMACHAL PRADESH

REVENUE DEPARTMENT

NOTIFICATION

Simla-2, the 6th September, 1974

No. 1-4/68-Rev. I.—The Governor, Himachal Pradesh, is pleased to make the following further amendments in the Himachal Pradesh Nautor Land Rules, 1968, published *vide* this Department notification of even number, dated the 17th September, 1968, and subsequently amended *vide* notification of even number, dated the 4th August, 1969:—

THE HIMACHAL PRADESH NAUTOR LAND (SECOND AMENDMENT) RULES, 1974

Short title and commencement.

1. (1) These rules may be called the Himachal Pradesh Nautor Land (Second Amendment) Rules, 1974.

(2) They shall come into force at once.

Amendment to rule 1.

2. For the existing sub-rule (ii) of rule 1 of the Himachal Pradesh Nautor Land Rules, 1968 (hereinafter called the "said rules"), the following sub-rule (ii) shall be substituted, namely:—

"(ii) These rules shall extend to the whole of Himachal Pradesh except the areas where the Nautor Rules made under the Indian Forest Act, 1927, are applicable."

Amendment to rule 2.

3. For the existing rule 2 of the said rules the following rule 2 shall be substituted, namely:—

"2. All rules, regulations and Robkars in respect of the grant of nautor hitherto in force in certain areas of Himachal Pradesh are hereby repealed except the rules made under the Indian Forest Act, 1927, applicable in some areas of the State:

Provided that the repeal of such rules etc. shall not be deemed to affect any grant already made thereunder."

Amendment to rule 3.

4. (1) In sub-rule (b) of rule 3 of the said rules, for the words and figures, "the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953" the words and figures, "the Himachal Pradesh Tenancy and Land Reforms Act, 1972" shall be substituted.

(2) In sub-rule (d) of rule 3 of the said rules for the sign "." occurring at the end, the sign and word "; and" shall be substituted and thereafter the following sub-rule (e) shall be added, namely:—

"(e) 'State Government' means the Government of Himachal Pradesh."

Amendment to rule 6.

5. In existing proviso to rule 6 of the said rules for the sign "." occurring at the end, the sign ":" shall be substituted and thereafter the following further proviso shall be added, namely:—

"Provided further that a person who is granted Nautor for a house site shall not become by virtue of this grant, right-holder in the revenue estate in which such grant is made and it shall not entitle him to acquire Nautor under these rules."

Amendment to rule 7.

6. In rule 7 of the said rules, the following amendment shall be made, namely:—

(i) in such-rule (a), in between the words, "ten bighas of land" and the sign ";", occurring before the words "whether as owners", the words "under self-cultivation on 1-1-1974" shall be inserted;

(ii) after sub-rule (a), the following sub-rule (b) shall be inserted, namely:—

"(b) Scheduled Castes and Scheduled Tribes applicants."; and

(iii) the existing sub-rules (b), (c), (d) and (e) shall be renumbered as sub-rules (c), (d), (e) and (f) respectively.

7. For existing exception (b) to rule 8 of the said rules, the following exception (b) shall be substituted, namely:— Amendment to rule 8.

“(b) If a serving member of the Armed Forces or his son happens to have applied for nautor land in the life time of his father he will be eligible for nautor land to the extent of his inheritable share in the father’s landed property on the date of the sanction of the nautor land that falls short of the ceilings prescribed under these rules.”

8. In rule 9 of the said rules for the words and figures “Grant of Nautor Land shall be made against Nazrana on the uniform rate of Rs. 50 per bigha”, the following words and figures shall be substituted, namely:— Amendment to rule 9.

“Grant of Nautor Land shall be made against Nazrana on a uniform rate of Rs. 50 per bigha to a grantee other than Scheduled Gastes and Scheduled Tribes and at the rate of Rs. 25 per bigha to a Scheduled Caste grantee and at the rate of Rs. 5 per bigha to Scheduled Tribe grantee. Nautor land upto 100 sq. yards for the construction of a house shall be given free of cost to a landless worker.”

9. In rule 12 of the said rules the following amendments shall be made, namely:— Amendment to rule 12.

(i) in sub-rule (d), the words, “one year” appearing after the word, “within” and before the word, “of” shall be substituted by the words “two years”;

(ii) for sub-rule (f) the following sub-rule (f) shall be substituted, namely:—

“(f) if the grantee or his legal repersentative/successor alienates the land granted in nautor, within 15 years from the date of the Patta, or if he alienates it, at any time, for a purpose other than the one for which the land was granted to him. In the event of other kind of alienation the power of the State Government to cancel the grant and to resume the land shall govern the alience also; and”; and

(iii) after sub-rule (f) so substituted, the following new rub-rule (g) shall be added, namely:—

“(g) if the grantee secures the sanction of nautor by suppression of material facts in his nautor application.”

10. In rule 13 of the said rules, for the words, “Revenue Assistant of the District in which” the words, “Sub-Divisional Officer (Civil) in whose jurisdiction”, shall be and always be deemed to have been substituted. Amendment to rule 13.

11. In the said rules, and the schedule appended to said rules, for the words “Revenue Assistant”, “Revenue Assistant of the District” and “Special Agency” wherever they occur, the words, “Sub-Divisional Officer (Civil)”, “Sub-Divisional Officer (Civil) of the Sub-Division” and “Tehsil Revenue Officer”, unless subject or context otherwise requires, shall be and shall always be deemed to have been respectively substituted. Substitution of words “Revenue Assistant” and “Specail Agency”.

Amendment
to rule 14.

12. In rule 14 of the said rules, the following amendments shall be made, namely:—

- (i) in sub-rule (a) for the words “Tehsil-wise in the District by the Special Agency” the words “Tehsil Revenue Officer” shall be and shall always be deemed to have been substituted;
- (ii) for the existing sub-rule (b) of rule 14 of the said rules, the following sub-rule (b) shall be and always be deemed to have been substituted, namely:—
 - “(b) The Sub-Divisional Officer (Civil) shall cause to be prepared 3 copies, free of cost, of the Tatima Shajra attached to the original Nautor application and append one copy thereof with each of the duplicate application forms furnished by the applicant. The correctness of the copies of the application form and Tatima Shajra shall be verified by the Tehsil Revenue Officer;”;
- (iii) in sub-rule (c), the words, “by the Special Agency” shall be and shall always be deemed to have been substituted by the words “in the office of the Sub-Divisional Officer (Civil)”;
- (iv) in clause (v) of sub-rule (d), the words “within one month” shall be substituted by the words “within six months”;
- (v) in sub-rules (e) and (f), the words “within 2 months” wherever they occur shall be substituted by the words “within six months”;
- (vi) in sub-rule (g) figure and word “3 months” wherever they occur the figure and word “9 months” shall be substituted and the note below rule 14 (g) shall be deleted.

Amendment
to rule 15.

13. In rule 15 of the said rules, the words “Field Kanungo” and “Girdawar Kanungo” wherever they occur shall be substituted by the words “Tehsil Revenue Officer”.

Amendment
to rule 16.

14. In rule 16 of the said rules, the words “two months” shall be substituted by the words “three months”.

Amendment
to rule 18.

15. In rule 18 of the said rules, the following amendments shall be made, namely:—

- (i) in sub-rule (a) for the words “After Nautor Land has been sanctioned by the Revenue Assistant or the Deputy Commissioner where there is no Revenue Assistant under rule 16 for any of the purposes mentioned in rule 5 (a) and (b) ante” the words “After nautor land has been sanctioned by the Sub-Divisional Officer (Civil) or the Deputy Commissioner where there is no Sub-Divisional Officer (Civil) under rule 16 for any of the purposes mentioned in rule 5 (a) and (b) ante after the creation of the demand” shall be substituted;
- (ii) for the existing sub-rule (c), the following sub-rule (c) shall be substituted, namely:—
 - “(c) After the execution of the Patta in Form ‘D’ for purposes other than Horticulture and in Form ‘E’ for Horticulture, the mutation memorandum in Form ‘B’ shall be completed in the office of the Sub-Divisional Officer (Civil) and issued under his signatures to the Revenue Officer of the area concerned for entry and attestation of mustation. After the needful has

been done, the mutation memorandum shall be returned to the Sub-Divisional Officer (Civil) who will have it placed on the original Natutor File."

16. In rule 22 of the said rules, the words "one year" wherever they occur shall be substituted by the words "two years". Amendment to rule 22.

17. For the existing rule 27 of the said rules, the following rule 27 shall be substituted, namely:— Amendment to rule 27.

"Notwithstanding anything contained in the preceding rules, grant of nautor lands may be made by the Deputy Commissioner in exchange for applicant's land, which may either be surrounded by Government forests or which may be beneficial to Government and the applicant in view of the Soil Conservation, Consolidation of Holdings and afforestation, after getting the two areas to be exchanged properly evaluated to his personal satisfaction. An opportunity will also be given by the Deputy Commissioner to the Divisional Forest Officer of the area or his nominee to be heard before agreeing to such an exchange."

18. After the explanations to sub-rule (iv) or rule 27-A, the following sub-rules (v) and (vi) shall be added, namely:— Insertion of new sub-rule (v) and (vi) to rule 27-A.

"(v) if a landless person has encroached upon Government land for construction of a house and land appurtenant thereto, such land shall be granted to such a person to the extent of 100 sq. yds., without payment of Nazrana;

(vi) if a landless person or person holding landless than 5 bighas has encroached upon Government land such a land shall be granted to the landless person upto 5 bighas and to the person holding landless than 5 bighas to the extent his existing holdings falls short of five bighas, so as to make his holdings 5 bighas on payment of Nazrana at the rate prescribed in this rule. For this purpose, cases of encroachments as on 27th September, 1973, will only be taken into consideration, and whose applications for regularisation of such cases have been received upto 31st July, 1974.

19. After rule 27-A of the said rules, the following new rule 27-B with its heading shall be substituted, namely:— Insertion of new rule 27-B.

"Grant of pieces of land which either surrounded or are situated between the land of the farmers.—(1) Notwithstanding anything contained in these rule, if piece of Government land not exceeding twenty bighas is surrounded by or is between the fields of farmers which on the one hand causes unnecessary hinderance to agriculture/horticulture and on the other hand serves no useful purpose of the Government, its proprietary rights shall be transferred to the respective farmers, on payment of Rs. 200 per bigha as nazrana. The forest growth on such pieces of land should either be sold to the farmer along with the land or removed by the Forest Department within a period of six months from the date of sanction of proprietary rights of such land.

(2) The land may be granted on an application duly stamped with a Court fee of Rs. 250 and accompanied by a tatima of the land applied for showing also the surrounding or adjoining fields of the applicant and copy of jamabandi of the land,

- (3) There should be spot inspection by the Tehsil Revenue Officer to determine if the land applied for falls within the purview of sub-rule (1) of this rule. In case of the forest land, the spot inspection should be done jointly by the Tehsil Revenue Officer and a representative of the Forest Department not below the rank of a Range Officer.
- (4) In case the piece of Government land is surrounded by the fields of two or more persons and they apply for it, the grant may be made to the person who holds the smaller holding of land in the Pradesh.
- (5) The grant shall be made by the Deputy Commissioner of the District in which the land is situated."

Amendment
to Patta
Form.

29. (1) In Form "D" and "E" appended to the said rules the words "President of India" wherever they occur the words "Governor of Himachal Pradesh" shall be and shall always be deemed to have been substituted with effect from the 25th January, 1971.

(2) For clause (7) of Form "D" and clause (9) of Form "E" appended to the said rules, the following clause shall be substituted, namely:—

"Land granted as Nautor will not be subject to fragmentation by way of partition, transfer or by any other means."

(3) In sub-clause (b) of clause 4 of Form 'D' appended to the said rules, for the words "one year", the words "two years" shall be substituted.

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.